

### **REMARKS**

In the foregoing amendment, claim 1 is amended and claim 5 is canceled. Upon entry of this amendment, claims 1-4 are pending, of which claim 1 is independent. The following comments address all stated grounds for rejection, and Applicants respectfully submit that the presently pending claims, as identified above, are now in a condition of allowance.

#### **I. Claim Amendments**

Applicants amend claim 1 to clarify that the heat insulation plate directly contacts one of the separators that is at the end of the cell assembly, as suggested by the Examiner. (See Office Action, Page 4). Support for the amendment can be found in Fig. 1 and corresponding descriptions in the specification of the present application. No new matter is added.

Applicants also amend claim 1 to incorporate the subject matter of claim 5 that the separator is corrugated metal plate, as suggested by the Examiner. (See Office Action, Page 4). Claim 5 is canceled.

Applicants specifically note that Applicants amend the claims to expedite the prosecution of the present application. The amendment must not be construed as acquiescence to the rejections in the Office Action. Applicants reserve the right to pursue the original claims in a continuing application.

#### **II. Summary of Objections and Rejections**

Claims 1-3 and 5 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0068541 ("Sugiura").

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiura.

These rejections will be discussed separately below.

**III. Claim Rejections under 35 U.S.C. §102**

Claims 1-3 and 5 are rejected under 35 U.S.C. §102(e) as being anticipated by Sugiura. (See Office Action, page 2). Applicants respectfully traverse the rejection.

Applicants submit that the Sugiura reference does not disclose that “said heat insulation plate directly contacting one of said separators that is at an end of said cell assembly in the stacking direction,” and “the separator is a corrugated metal plate,” as recited in claim 1.

In the Office Action, the Examiner deems that the plate (22) in Figure 2 of the Sugiura reference corresponds to the heat insulation plate of the present application. (See Office Action, page 3). The Examiner also deems that the element (26) in Figure 2 of the Sugiura reference corresponds to the separator of the present application. (See Office Action, pages 3 and 4). The element (26) in Figure 2 of the Sugiura reference, however, is not a corrugated metal plate. The Sugiura reference discloses that the element (26) is flat in Figure 2.

In view of the foregoing amendments and arguments, Applicants submit that the Sugiura reference fails to disclose each and every element of claim 1. Applicants therefore request withdrawal of claims 1-3 and 5.

**IV. Claim Rejections under 35 U.S.C. §103**

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sugiura. (See Office Action, page 3). Applicants respectfully traverse the rejection.

Claim 4 depends from claim 1 and, as such, incorporates the subject matter of claim 1. Applicants submit that the Sugiura reference does not teach or suggest that “said heat insulation plate directly contacting one of said separators that is at an end of said cell assembly in the stacking direction,” and “the separator is a corrugated metal plate,” as recited in claim 1. Claim 4, which depends from claim 1, is not rendered obvious over the Sugiura reference. In view of this, Applicants respectfully request withdrawal of the rejection of claim 4.

**V. Conclusion**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-047RCE from which the undersigned is authorized to draw.

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Respectfully submitted,

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